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SUBJECT: COTE D'IVOIRE: TENTH MEETING OF THE INTERNATIONAL
WORKING GROUP

Classified By: POL/ECON Jim Wojtasiewicz, reasons 1.4 (B) and (D).

¶1. (C) Summary. The tenth meeting of the International Working Group (IWG) produced a somewhat bolder than usual communique challenging the African Union (AU) and the Economic Community of West African States (ECOWAS) to devise new, better transition arrangements to take effect after October. The communique indirectly blames the current impasse on ambiguities in UN Security Council resolution 1633 and legal contradictions between the resolution and the Ivorian constitution, giving President Gbagbo too much leverage to impede the peace process for his political gain. The communique also calls for the Security Council to approve new, better institutional arrangements to take effect after October 31, including a stronger mandate for the UN High Representative for Elections (HRE). At this meeting, Prime Minister Banny repeatedly pledged his determination to find and punish all those responsible for the recent dumping of toxic wastes around Abidjan, but he sidestepped questions about whether President Gbagbo is shielding his own cronies from punishment. Banny also evaded questions about exactly where the blockages to the peace process are and what the international community can do to help clear them. The HRE estimates that it could take as long as 18 months to complete the current, initial phase of the identification process; registration of voters can begin only after that. UN and French peacekeeping force commanders report that the security situation in the country is volatile and dangerous, with serious potential for an explosion of violence. End Summary.

¶2. (C) The tenth meeting of the IWG was held in Abidjan September 8, co-chaired as usual by Congolese Foreign Minister Rodolphe Adada and UN Special Representative of the Secretary General in Cote d'Ivoire (SRSG) Pierre Schori. In

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attendance were French Cooperation Minister Brigitte Girardin; Ghana Foreign Minister Nan Addo Dankwa Akufo-Addo; South African Foreign Minister Nkosazana Dlamini Zuma; AU Commissioner for Peace and Security Said Djinnit; ECOWAS Executive Secretary Mohamed Ibn Chambas; UN High Representative for Elections in Cote d'Ivoire (HRE) Gerard Stoudmann; and representatives from Benin, Guinea, Niger, the United Kingdom, the United States, the EU, the World Bank, and the International Organization of French Speaking Countries.

¶3. (C) Prime Minister Banny briefed the IWG on progress in implementing the peace process road map since the last IWG meeting July 20. As successes he cited the partial return of civilian administration to the North and the holding of exams there for the 2005-2006 school year. On what he called the "darker side," he acknowledged that both the Disarmament,

Demobilization and Reintegration (DDR) process and the military-to-military talks between the rebel FN (New Forces) and the FANCI (Armed Forces of Cote d'Ivoire) have been interrupted, and that the identification process, to register the 2-3 million undocumented Ivoirians and foreigners, is moving very slowly. He further acknowledged that it was the revised procedures that he himself introduced under pressure from President Gbagbo, requiring Ivoirians to go to separate courts for their birth registration and their certificate of nationality, which had significantly slowed the identification process down. Banny said that at the September 6 meeting of the five principal Ivoirian political leaders in Yamoussoukro, the other four accepted in principle his proposal to expedite the issuing of certificates of nationality by increasing the number of courts and making them mobile, like the courts that are issuing birth registrations. However, Banny indicated that consensus was not reached at Yamoussoukro on how to revise the current law to make this possible, and that opposition political leaders made clear that these measures would not be enough to overcome their rejection of the revised identification procedures. Nevertheless, he underscored his determination to keep looking for ways to revise the procedures, within the law, so that all who are entitled to a certificate of nationality can receive one within 2-4 months.

14. (C) Banny strongly condemned the recent illegal dumping of toxic wastes around Abidjan and repeatedly pledged his determination to identify and punish all those responsible. However, he sidestepped questions about reports in that morning's local press that President Gbagbo is refusing to allow Banny to fire the Director of the Port of Abidjan, Marcel Gossio, for his part in the scandal. (Note: Gossio is widely believed to be funneling a significant portion of the port's revenues into the coffers of Gbagbo's FPI --Ivoirian Popular Front -- party.) Banny also staunchly defended his decision to submit the resignation of his entire government

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over the scandal, to send the strongest possible signal to the Ivoirian people that such negligence and greed will not be tolerated. He acknowledged that technically perhaps he should have consulted with the international community before taking this action, because of the international community's role in his selection as Prime Minister, but in this case substance was more important than form -- when the suffering of the Ivoirian people was at stake he would be prepared to resign 1000 times if necessary.

15. (C) Banny expressed frustration at what he called "professional blockers" -- politicians deliberately throwing up obstacle after obstacle to keep him from making progress toward elections. However, as has happened at several previous IWG meetings, when he was asked directly three separate times where the blockages are and how the international community can help him to overcome them, Banny refused to answer. When Congo Republic Foreign Minister Adada pressed him particularly hard on this point, Banny responded that he is a central banker, and for central bankers some things must remain unsaid.

16. (C) UN HRE Stoudmann briefed the group on the lack of progress in the electoral process. Taking into account that in the first six weeks of the identification program, birth registrations and/or certificates of nationality were issued to only about 90,000 of the estimated 2-3 million who need them, Stoudmann estimated that it would take 18 months to complete this part of the identification process, not 2-4 months as Prime Minister Banny hoped. After that, holders of certificates of nationality will still have to be issued actual identification cards, but Stoudmann said this would be done simultaneously with voter registration. He noted that the technical problems with the electoral process are surmountable, but the political problems cannot be overcome as long as there is a lack of will to do so. Instead, whenever any progress is made, these political obstacles will

increase. Stoudmann called for a complete change in the electoral modus operandi. In particular, he asked for a stronger mandate to arbitrate procedural disputes, and ultimately, after elections have been held, to certify whether they were truly free, fair and transparent.

17. (C) General Fernand Amoussou, newly appointed Force Commander for ONUCI (the UN Operation in Cote d'Ivoire), and General Antoine Lecerf, Force Commander for the French Licorne peacekeeping force, gave a very pessimistic assessment of the security situation. General Amoussou called the situation dangerous and volatile, susceptible to exploitation by radical elements from all sides. He noted that, against the backdrop of stalled DDR, broken off military-to-military talks, and a dismantling of western militias that was only a masquerade, the issue of dismantling the armed militias in Abidjan has never even been raised. He said that undisciplined behavior and disregard for the law among government security forces also must be addressed. General Lecerf called the security situation precarious, with serious and real potential for an explosion of violence. Lecerf said there are weapons everywhere -- the population is arming itself and is far more accepting of the possibility of violence than it was six months ago. Like Amoussou, he also deplored racketeering by members of the defense and security forces.

18. (C) After these briefings, the mood of the IWG was grim as the group approached the drafting of a communique. There was strong consensus that, as SRSR Schori put it, if things are allowed to go on as they are, a year from now the international community will find itself right back in the same place. The drafting session was long, and somewhat contentious, but not because of any disagreement about the seriousness of the situation, the nature of the problems, or the urgent need to address them. Rather, some delegations, most notably South Africa, felt that it would be more appropriate for the IWG to detail its concerns in a private report to the Security Council, rather than in a press communique. This idea foundered in part because the co-chairs could not propose a workable procedure for fully consulting all the members about the contents of such a report, but also because many IWG members felt strongly that the group should make its serious concerns a matter of public record.

19. (C) In the end, the communique is indirectly critical of President Gbagbo on a number of key points. It blames "institutional duality and conflicts in legal interpretation" for causing the current impasse, by preventing Prime Minister Banny from being able to exercise the powers envisioned for

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him by the AU and the Security Council, by blocking the peace process, and by distorting the neutrality of the electoral process. France wanted this to be an explicit reference to the imbalance of power between the President and the Prime Minister, arising from ambiguities in UNSCR 1633 and legal contradictions between UNSCR 1633 and the Ivoirian constitution, and giving Gbagbo too much leverage to impede the peace process for his political gain. All agreed that this was indeed true, and a key reason for the current impasse, but most did not want to be so directly critical of Gbagbo, or to imply that the international community wants to suspend the Ivoirian constitution, so the wording was made more oblique. The communique also calls the establishment of a new voters' list a "precondition" for the holding of elections, another indirect criticism of Gbagbo who has been insisting that the voters' list from the 2000 elections must be used. It further reasserts that the Independent Electoral Commission (CEI) has exclusive responsibility for the electoral process, even citing South African President Mbeki on this point, and it makes no mention of the National Bureau of Statistics (INS), which Gbagbo insists is solely responsible for preparing the voters' list and which is controlled by his cronies.

¶10. (C) The communique is not entirely one-sided. It calls on all Ivorian parties to cooperate with the Prime Minister to quickly form a new government, thus brushing aside the previous day's statement from the G-7 grouping of opposition parties, rejecting any new government and calling for the international community to replace Banny. It also cites the interruption of disarmament, which came from the rebel FN side, as one of the key causes for the current impasse.

¶11. (C) After some debate, the IWG decided not just to report in the communique on the reasons for the current impasse, but also to make recommendations for the way forward after October. Accordingly, it calls on the United Nations to consult with the AU and ECOWAS to devise new, better institutional arrangements to take effect after October 31, and it calls on the Security Council to adopt a new resolution that eliminates the ambiguities of UNSCR 1633, reinforces the powers of the Prime Minister, and also reinforces the mandate of the HRE. The communique also calls for UN sanctions against individuals who block the peace process. The next IWG will be on October 6.

¶12. (C) Comment. This is a bold communique by IWG standards, in effect challenging the AU and ECOWAS to meaningfully improve on the current arrangements after October 31, and making it more difficult for them to simply roll these arrangements over for another year. However, relatively strong words are about as far as this group can go. It remains on the margins of the peace process, little more than an observer of the peace process here and little more than a kibitzer in the international process of deciding on a way forward after October. It is much easier for the IWG to call for bold changes than it will be for African leaders to agree on them and get the Ivoirians to accept them. End Comment.

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